



NC DEPARTMENT OF  
**HEALTH AND  
HUMAN SERVICES**

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Division of Public Health

March 8, 2021

**POSITION STATEMENT:**

Hazardous Product Storage in Kitchens at School-Based Licensed Child Care Centers

**PURSUANT TO:**

*Rules Governing the Sanitation of Child Care Centers, 15A NCAC 18A .2800*

**SOURCE:**

Children's Environmental Health

**QUESTION / ISSUE:**

Can hazardous products stored in kitchens of *school-based child care centers* be left out if the kitchen is locked?

**DISCUSSION AND RATIONALE:**

Administrative Rule 15A NCAC 18A .2820 (b) requires all corrosive agents, pesticides, bleaches, detergents, cleaners, polishes, any substance which may be hazardous to a child if digested, inhaled, or handled be kept in its original container or in another labeled container, used according to the manufacturer's instructions and *stored in a locked storage room or cabinet when not in use*. A locked kitchen is not a locked storage room or cabinet.

In addition, Administrative Rule 15A NCAC 18A .2808 (f) states that children attending child care centers shall not be in the kitchen *except* when participating in a supervised activity. Therefore, hazardous products stored in the child care center's kitchen should not be accessible to children. Moreover, supervision of children in the kitchen is not the equivalent of locked storage as required under 15A NCAC 18A .2820 (b).

**RESPONSE / INTERPRETATION:**

School-based centers are faced with unique challenges in which many areas of school buildings are not under the center's direct control. This includes the school's kitchen that is primarily managed by cafeteria staff. Although child care operators are required to ensure safety in all areas accessible to children and meet the requirements of the child care sanitation rules, cafeteria personnel are not under direct authority of the child care center and are usually not present during the hours of operation for school-based programs that use the cafeteria space to house their program. This unique circumstance makes it difficult for school-based centers to maintain compliance with hazardous product storage being locked within the kitchen. Therefore, the following policy addresses this issue for school-based centers. It is **not** considered a violation if hazardous products are left out in the cafeteria's kitchen so long as:

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AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

1. Kitchen doors are **'locked'** with a device approved by the local building/fire code inspector or Fire Marshal's Office, and;
2. A restriction is placed on the license by the Division of Child Development and Early Education (DCDEE) prohibiting children from being in the kitchen for any purpose.

If both conditions are not attainable then hazardous products must be stored in accordance with Administrative Rule 15A NCAC 18A .2820.

For compliance issues, local Registered Environmental Health Specialists should have child care centers contact their local building/fire code inspector or Fire Marshal's Office to determine how to appropriately lock kitchen doors. Child care operators should also contact DCDEE to request the license restriction.

## **REFERENCES:**

N.C.G.S. 110-91

*Rules Governing the Sanitation of Child Care Centers*, 15A NCAC 18A .2800

*NOTE: Position statements are policy documents intended to clarify how to interpret or enforce a law or rule. They are not enforceable on their own, but are intended to promote uniform interpretation and enforcement of the underlying law or rule.*